



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

**Agenda**

**Meeting of December 12, 2006**

9:00 a.m., Commission Offices, 242 State Street, Augusta, Maine

**NEW BUSINESS**

**1. Public Workshop on Leadership PACs and MCEA Qualifying Requirements**

At the November 20 meeting, the Ethics Commission decided to invite public comment on leadership political action committees (PACs) and the qualifying requirements for Maine Clean Election Act candidates.

**2. Request for Waiver of Late Filing Penalty/Eagle Lake Democratic Cmte**

Because it raised more than \$1,500 this year, the Eagle Lake Democratic Committee was required to file a campaign finance report on July 15, 2006 covering the first half of the year. The committee filed the report 101 days late on October 26. The committee requests a waiver of the preliminary \$500 penalty because it did not receive a notice of the filing deadline from the Commission or the state party prior to the deadline. Under 21-A M.R.S.A. §1017-A(6), the Commission is not required to send notices to the local and county party committees, and the "state party committee shall notify all county, district and municipal party committees of the same political party of the party committee reporting requirements." *Staff recommendation: the staff recommends assessing the statutory penalty of \$500.*

**3. Finding of Violation for Commingling Maine Clean Election Act Funds/**

**Hon. Joan Bryant-Deschenes**

At the November 20 meeting, the Commission found outgoing Rep. Joan Bryant-Deschenes in violation of 21-A M.R.S.A. §1016(1) and §1125(7) for commingling campaign funds with personal funds. No MCEA funds were used for personal expenses. The Commission postponed considering whether to assess a civil penalty until the December 12 meeting. *Staff recommendation: the staff recommends the assessment of no penalty because of the unintentional nature of the violation. If the Commission decides to assess a penalty, the staff suggests that it should not exceed \$100.*

**4. Finding of Violation for Commingling Maine Clean Election Act Funds/**

**Hon. Donald G. Marean**

Donald G. Marean is a member of the Maine House of Representatives. His 2006 campaign was selected at random for a routine audit. The only finding in the final audit

report was that he deposited his Maine Clean Election Act funds into a bank account that contained his legislative compensation. The staff views this compensation as personal funds. There were no inappropriate expenditures, but the Election Law prohibits candidates from commingling campaign funds with personal funds under 21-A M.R.S.A. §1016(1) and §1125(7). *Staff recommendation: In order to encourage accountability of public funds spent, the staff recommends that the candidate be found in violation of 21-A M.R.S.A. §1016(1) and §1125(7) and no assessment of any monetary penalty.*

#### **5. Alleged Violation of Code of Fair Campaign Practices/David Miramant**

David Metz, a citizen of Rockport, has filed a complaint against House candidate David Miramant relating to campaign literature that described the voting record of his opponent, Stephen Bowen. Mr. Metz believes the literature distorted and misrepresented Rep. Bowen's voting record. Counsel for Mr. Miramant has responded that the Commission does not have the statutory authority to hear the complaint and literature was completely accurate. *Staff recommendation: the staff believes there is serious question whether the Commission is authorized to take any action on the complaint.*

#### **6. Misreporting of Expenditure Dates/Geoffrey Heckman**

Geoffrey Heckman was a candidate for the Maine House of Representatives in the 2006 elections. His campaign was selected at random for a routine audit. The Commission's auditor found that two expenditures were misreported with the effect of increasing the amount of public funds paid to Mr. Heckman for the primary election by \$200. Mr. Heckman has returned the overpayment of \$200 from his general election funds. *Staff recommendation: the staff recommends finding Mr. Heckman in violation of 21-A M.R.S.A. §1127(1) by failing to accurately report his expenditures. The Commission may wish to consider a penalty, which the staff believes should not exceed \$200.*

#### **7. Request for Investigation/Maine College Democrats**

The Maine State College Republican Organization has filed a request that the Commission consider whether the Maine College Democratic organization was required to register and file reports as a political action committee. The College Democrats respond that no funds raised or spent were used to influence elections until it formed a PAC for this purpose in 2006. *Staff recommendation: unless the College Republicans submit additional evidence suggesting unreported financial activity for electoral purposes, the staff recommends dismissing the complaint.*

#### **8. Request for Investigation/Maine Heritage Policy Center**

Carl Lindemann has filed a request that the Commission consider whether the Maine Heritage Policy Center is required to register as a PAC or to file financial reports under 21-A M.R.S.A. §1056-B regarding its work related to the Taxpayer Bill of Rights (TABOR) initiative. *Staff recommendation: the staff concludes that the Maine Heritage Policy Center is required to file a §1056-B report if it received contributions or made expenditures in excess of \$1,500 for the purpose of initiating, promoting, or influencing in any way the TABOR initiative.*

**9. Proposed Statutory Changes**

The staff wishes to discuss with the Commission proposed statutory changes which the Commission may propose to the Legislature. Other proposed changes will be ready for the January 19 meeting.

**10. Adoption of Ethics Code for Commission Employees**

Independent boards and commissions are being encouraged to adopt a code of ethics for their employees. The Ethics Commission recommends adopting a proposed code which the Commission received from the Department of Administrative and Financial Services.

**Other**

Miscellaneous as needed.

**EXECUTIVE SESSION**

**ADJOURNMENT**